

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA  
Western Division

**U.S.A. vs. Darryl Quinn McDuffie**

**Docket No. 5:00-CR-17-1H**

**Petition for Action on Supervised Release**

COMES NOW Jeffrey L. Keller, Supervising U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Darryl Quinn McDuffie, who, upon an earlier plea of guilty to Felon in Possession of a Firearm and Passing Counterfeit U.S. Currency, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge on January 3, 2001, to the custody of the Bureau of Prisons for a term of 132 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months. Darryl Quinn McDuffie was released from custody on September 1, 2009, at which time the term of supervised release commenced in the District of New Jersey.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On May 12, 2014, the offender was sentenced in Philadelphia Municipal Court on the charge of Driving a Motor Vehicle While Intoxicated. McDuffie received a sentence of three days custody and four months probation. McDuffie's employer, Peapod, a grocery store delivery service, was located in the State of Pennsylvania. The position ended due to the company closing their Philadelphia based warehouse and moving to a location that was not commutable from the offender's residence in New Jersey. McDuffie was reportedly cleaning out the warehouse during one of the final days of the operation and admits to consuming two beers and a shot of vodka with his coworkers at the conclusion of the evening. McDuffie had been prescribed Oxycodone for pain management of a lower lumbar strain. McDuffie continues to receive physical therapy for this condition. McDuffie acknowledges he did not consider the impact the alcohol would have after taking the medication and does not recall the driving incident. Since that event, he has refused the prescribing of narcotic pain medication and is alternatively prescribed Baclofen, a non-narcotic pain medication. In addition, there have been no signs of alcohol use.

McDuffie's supervision is scheduled to conclude on August 31, 2014, and the probation officer in the District of New Jersey intends to address this non-compliance by placing the offender on a term of home confinement with electronic monitoring for the remainder of supervised release. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

You are to participate in the Location Monitoring Program. You shall be confined to your residence for the remainder of the term of supervision scheduled to conclude on August 31, 2014, commencing at the direction of the U.S. Probation Office. You shall be required to be at this residence at all times except for approved absences for gainful employment, community service, religious services, medical care, educational or training programs and at other such times as may be specifically authorized by the U.S. Probation Office. You shall wear a location monitoring device and follow all location monitoring procedures. You shall permit the Probation Officer access to the residence at all times and maintain a telephone at the residence without any custom services or portable, cordless equipment. You shall comply with any other specific conditions of home confinement as the court may require. You shall pay all the costs associated with your participation in the Location Monitoring Program. The U.S. Probation Office may use less restrictive location monitoring technology if the U.S. Probation Office determines that a less restrictive device is available and appropriate.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller

Jeffrey L. Keller

Supervising U.S. Probation Officer

310 New Bern Avenue Room 610

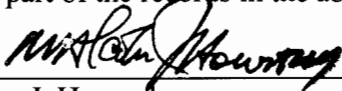
Raleigh, NC 27601-1441

Phone: 919-861-8696

Executed On: July 1, 2014

#### **ORDER OF THE COURT**

Considered and ordered this 2nd day of July 2014, and ordered filed and made a part of the records in the above case.



Malcolm J. Howard  
Senior U.S. District Judge